

lar to that at Ship Island," was taken up in regular order and read the second time.

Senator Harris offered the following amendment:

Strike out the words "national government" where they occur and insert "government of the United States."

Adopted.

On motion of Senator Stratton, rules were suspended to put the resolution on its third reading by the following vote:

YEAS—27.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Perry,
Collins,	Johnston of Shelby,	Pfeuffer,
Evans,	Jones,	Pope,
Farrar,	King,	Randolph,
Fleming,	Kleberg,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Terrell,
Gibbs,	Patton,	Traylor.

NAYS—none.

Bill read third time, and passed by the following vote:

YEAS—28.

Buchanan,	Harris,	Peacock,
Chesley,	Houston,	Perry,
Collins,	Johnston of Shelby,	Pfeuffer,
Evans,	Jones,	Pope,
Farrar,	King,	Randolph,
Fleming,	Kleberg,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Terrell,
Gibbs,	Patton,	Traylor.

NAYS—none.

The following message was received from the House:

Mr. President:

I am instructed by the House to inform your honorable body that it has concurred in Senate amendments to substitute House bill No. 8, J. W. BOOTH, Chief Clerk.

Senator Terrell offered the following resolution:

*Resolved*, That the Sergeant-at-Arms of the Senate be directed to procure a new flag of the United States, and place the same on the flag-staff over the Capitol, the expense to be paid out of the contingent fund of the Senate.

Adopted.

On motion of Senator Kleberg, the Senate adjourned until to-morrow at 10 o'clock a. m.

## TWENTY-FIFTH DAY.

SENATE CHAMBER, )  
AUSTIN, TEXAS, February 7, 1883. {

The Senate met pursuant to adjournment. Lieutenant-Governor Martin in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Perry, the reading of the journal was dispensed with and same adopted.

Senator Fleming presented a petition from citizens of Brown county, asking the Legislature to pass a constitutional amendment prohibiting the importation, sale, or manufacture of intoxicating liquors as a beverage in Texas.

Referred to Committee on Constitutional Amendments.

Senator Pfeuffer, chairman of the Committee on Finance, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 6, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 185, entitled "An act to remit the State taxes due the State of Texas from the county of Shelby to said county," have carefully examined

the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

PFEUFFER, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 6, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred House bill No. 340, entitled "An act making an appropriation for the deficiency in the amount appropriated for public printing for year beginning February 28, 1882, and ending February 28, 1883," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

PFEUFFER, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 6, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 156, entitled "An act to amend article 4705 of the Revised Statutes of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendment: On line 9, page 2, strike out "one dollar" and insert "fifty cents."

All of which is respectfully submitted.

PFEUFFER, Chairman.

Bill read first time.

Senator Patton, for Committee on Judiciary No. 2, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 7, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 209, entitled "An act to amend article 758 of the Code of Criminal Procedure of the State of Texas," have carefully examined the same, instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

PATTON, for Committee.

Bill read first time.

Senator Gooch, for Committee on Public Lands, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 7, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Lands have had under consideration Senate bill No. 128, entitled "An act to provide for leasing the common school lands of the State of Texas," and a majority instruct me to report it back, and recommend that it do pass.

It provides that the State Board of Education shall lease the land under such regulations as it may make; provided, that the land shall not be leased for less than three cents an acre, nor for terms longer than ten years; and agricultural lands shall be leased with a reservation that it may be sold at any time. The minimum price of the land for sale will doubtless be raised, and future sales will be less frequent. The school fund now owns more than thirty millions of acres of surveyed alternate sections—the most of it is in the grazing region, and in sparsely inhabited portions of the State. By leasing it until the country becomes settled, it will benefit the State, by supplementing very largely the annual available school fund. It will encourage stockraising, by affording an exclusive range at a reasonable cost. It will enable the State to retain control of the land, and dispose of it according to that policy that the wisdom of the future may dictate. The bill does not undertake to prescribe the details of leases, but remits all minor questions to the judgment and discretion of the Board of Education. They can incorporate such restrictions and requirements as experience may show are necessary for the public interest.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 7, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Lands have had under consideration

a resolution from the House of Representatives, which reads as follows:

"WHEREAS, There is reason to believe that both the letter and spirit of the act of April 6, 1881, for the sale of school lands, limiting the maximum, has, by the use of fictitious and borrowed names, been violated, and that by the use of such fictitious and borrowed names persons have secured large amounts of land in excess of the maximum; therefore be it

*Resolved*, That the House of Representatives, the Senate concurring, that a joint committee of the Senate and House of Representatives be appointed, with power to send for persons and papers, whose duty it shall be to inquire into this question and learn if the law has been thus violated, and report to this body what legislation, if any, is necessary to enable the State, through its proper officers, to recover possession of such lands and restore them to the school fund."

A majority of the committee instruct me to report the resolution back to the Senate and recommend that it do not pass.

It proposes to appoint a committee, without limit as to number. It proposes to send for persons and papers. It is known that the persons, applications for purchase and records relating to these transactions are far distant from the capital, and chiefly relate to the land in unorganized counties.

Anything like an exhaustive investigation would consume more time that will properly be consumed by the present session of the Legislature, and it would cost a vast sum of money, which cannot be now estimated, as the mileage and per diem of sergeants-at-arms and witnesses would have to be paid. The object of the inquiry, as stated in the resolution, would be to ascertain if land had not been purchased by the use of borrowed and fictitious names, meaning, as we understand it, whether one person has purchased in his own name, when, in fact, he is acting as the agent of another. We do not think it necessary to organize a committee to ascertain this, for the reason that it is notorious and is not disputed. It has been a common custom. The law provided that one person should not be permitted to buy more than a given amount from the State. This limitation is believed to have been directory and addressed to the officers of the State, and would not affect the validity of the title of the purchaser who was permitted to buy a larger amount. The said act did not provide a forfeiture for a purchase in excess of the limit named. The law did not prohibit one person from owning more than a given number of sections, but limited the number (by direction to its officers) that could be sold by officers of the State to one person. After the State had parted with its title, through its officers, one person could properly buy and own any number of sections of the land.

The object of those who favored the limitation was to prevent the land from passing into the hands of a few persons, and not to prevent or discourage its sale. It was obvious to those who thought it a wise policy to permit it sold in large quantities to encourage stockraising, and increase the permanent and available school fund, that the limitation imposed would not effect the object sought, because it only directed its officers to limit the sales to a limited number of sections by the State in the first instance.

The second object of the resolution is to have the committee report what legislation is necessary to enable the State to recover the land. This can be acted upon without sending for persons and papers. It is a legal question that can be decided by a standing or select committee. A majority of this committee do not think legislation advisable, even if we have the power to recover the land in some instances. Several millions of acres of the school land have been sold and title has passed from the State, and much of it has passed, and will pass, into the hands of innocent purchasers from the original grantees and their vendees. The State has received the cash and notes of the purchasers at the price stipulated by law. The deferred payments bear eight per cent interest per annum, the best investment that can be made by the State of its school fund. The cash payments have, to a large extent, been invested in State bonds.

To undertake now to institute suit in localities where the land is situated, through the district and county attorneys, to cancel each sale where it is supposed more than a limited number of sections have been purchased by one person, refund the money and return the notes for cancellation, will be, in our judgment, a profitless undertaking for the State and school fund. It would very greatly embarrass and complicate our land matters. The sums of money paid to attorneys, and for depositions and court costs, would be great. The results of trials would be altogether uncertain. More than all, such proceedings would cast a cloud over the titles of millions of acres of school lands, embarrass transfers, retard immigration, impair values, and prevent investment and improvement of our frontier. All things considered, we are of opinion that it will not benefit the State to undertake to undo what has been done, but rather to alter the law so as to make it effective in the future, to enforce such a policy as may be settled upon.

We are strengthened in this conclusion by the fact that, while there remains more than thirty millions of acres of the school land unsold, less than three millions have been sold under both the sale acts of 1879 and 1881.

All of which is respectfully submitted.

GOOCH, for Committee.

Bill read first time.

Senator Matlock, chairman of Committee on Public Lands, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 7, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 195, entitled "An act to provide for the sale of the lands granted to the Deaf and Dumb, the Lunatic, the Blind, and the Orphan Asylums," have had the same under consideration, and having carefully examined the same, and a majority of the committee instruct me to report the same back with the following amendments, and recommend that it do pass, viz.:

Add to section 3, "and said commissioners shall, for their services in appraising said land, receive the sum of one dollar each for each tract of land appraised by them, to be paid by the purchaser."

Amend section 5, by striking out "one dollar and fifty cents" in line 25, and insert "two dollars and fifty cents;" and in line 25, strike out "one dollar" and insert "two dollars;" and in line 27, insert before the word "dollar" "five."

Amend section 8 by striking out, in line 21, "one-thirtieth" and insert "one fortieth."

Amend section 9, strike out "one-thirtieth" wherever it occurs, and insert "one-fortieth;" and in line 8, strike out "five per cent" and insert "four per cent;" and where the word "thirty" appears, insert "forty."

All of which is respectfully submitted.

MATLOCK, Chairman.

Bill read first time.

Senator Perry, chairman of Committee on Roads and Bridges, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred House bill No. 20, entitled "An act to amend article 4411 of the Revised Statutes of the State of Texas," have had the same under consideration, and a majority of said committee instruct me to report it back with the recommendation that it lie on the table to await the action of the Senate on Senate bill No. 138, which provides for identically the same matter and other important provisions.

PERRY, Chairman.

Bill read first time.

Senator Fowler, for Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 17, being "An act to repeal an act entitled 'an act granting to persons who have been permanently disabled by wounds received while in the service of this State or of the Confederate States, a land certificate of 1250 acres of land,'" and find the same correctly enrolled, and have this day, at 1 o'clock p. m., presented the same to the Governor for his approval.

FOWLER, for Committee.

COMMITTEE ROOM,  
AUSTIN, February 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 58, being "An act amending article 4000, of the Revised Civil Statutes," and find the same correctly enrolled, and have this day, at 1 o'clock p. m., presented the same to the Governor for his approval.

FOWLER, for Committee.

Senator Terrell introduced a bill to be entitled "An act to amend the Penal Code of Texas, by adding thereto article 678a, providing a penalty against any engineer on a railway train who fails to comply with the requirements of article 4232, in ringing the bell or blowing the whistle at a

road crossing, or who fails to bring his train to a full stop at a railroad crossing."

Referred to Judiciary Committee No. 2.

Senator Matlock, by leave, presented a memorial of J. P. Kindred and J. R. Coryell, citizens of Texas, asking that the Legislature grant them some relief, or pass some law by which their rights to what is known as the J. H. Gibson land certificates, may be determined by the courts of the country.

Read and referred to Judiciary Committee No. 1, and 100 copies ordered printed.

Senator Jones, by leave, introduced a bill to be entitled "An act to amend articles 3176 and 3177, chapter 2, title 61, of the Revised Statutes of the State of Texas, relating to mechanics' liens."

Referred to Judiciary Committee No. 2.

Senate bill No. 183, entitled "An act to amend 'an act to create a commission of arbitration and award, and define the powers and duties thereof, and to make appropriation to pay the salaries of the judges thereof,' approved July 9, 1879, and amended February 9, 1881, and to provide for the continuation of the Court of Commissioners of Appeals for a term of two years from October 1, 1883," being the special order for the morning, was taken up, with committee substitute, and read second time.

Committee substitute adopted and bill ordered engrossed.

On motion of Senator Terrell, the constitutional rule was suspended, and bill put on its third reading, by the following vote:

YEAS—30.

Buchanan,	Gibbs,	Patton,
Chesley,	Gooch,	Peacock,
Collins,	Harris,	Perry,
Cooper,	Houston,	Pfeuffer,
Davis,	Johnston of Shelby,	Pope,
Evans,	Jones,	Randolph,
Farrar,	King,	Shannon,
Fleming,	Kleberg,	Stratton,
Fowler,	Martin,	Terrell,
Getzendaner,	Matlock,	Traylor.

NAYS—1.

Johnson of Collin.

Bill read third time and passed by the following vote:

YEAS—30.

Buchanan,	Gibbs,	Patton,
Chesley,	Gooch,	Peacock,
Collins,	Harris,	Perry,
Cooper,	Houston,	Pfeuffer,
Davis,	Johnston of Shelby,	Pope,
Evans,	Jones,	Randolph,
Farrar,	King,	Shannon,
Fleming,	Kleberg,	Stratton,
Fowler,	Martin,	Terrell,
Getzendaner,	Matlock,	Traylor.

NAYS—1.

Johnson of Collin.

A message was received from the House, announcing the passage of the following bills:

Senate bill No. 34, entitled "An act to amend article 240, of title 8, chapter 6, of the first section of an act entitled 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,' passed February 21, 1879."

Senate bill No. 81, entitled "An act to prevent certain county officers, their deputies and employees, from purchasing property at tax sales"

Senate bill No. 94, entitled "An act requiring the printing and publication of five thousand copies of the general laws of the Sixteenth and Seventeenth Legislatures, and the general laws of the called session of the Sixteenth Legislature," with House amendments.

Senate bill No. 190, entitled "An act making a special appropriation for the support of the Supreme Court at Galveston," with amendments.

Senate bill No. 56, entitled "An act to amend article 1083 of the Code of Criminal Procedure of the State of Texas," with amendments.

Senator Chesley moved to take up Senate bill No. 190, just reported from the House with House amendments.

Adopted by the following vote.

YEAS—25.

Buchanan,	Houston,	Peacock,
Chesley,	Johnston of Shelby,	Perry,
Collins,	Jones,	Pfeuffer,
Cooper,	King,	Pope,
Evans,	Kleberg,	Randolph,
Farrar,	Martin,	Shannon,
Getzendaner,	Matlock,	Stratton,
Gooch,	Patton,	Terrell.
Harris,		

NAYS—6.

Davis,	Fowler,	Johnson of Collin,
Fleming,	Gibbs,	Traylor.

Bill taken up, and, on motion of Senator Matlock, House amendments were concurred in.

Senator Patton, chairman of Committee on State Affairs, by leave, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 7, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred petition of citizens of Matagorda county, Texas, praying for better protection of fish and oysters, have carefully examined the same, and instruct me to report back the same with the accompanying bill, viz: A bill entitled "An act to amend title 28 of the Penal Code of the State of Texas, by adding thereto another chapter with its several articles, to be known as chapter 4, title 28, of the Penal Code, and a bill to be entitled an act amendatory of 'an act for the preservation of oysters and oyster beds, and for protecting the rights of persons to the same, and affixing penalties,' approved March 8, 1879," which they think will afford the relief prayed for, and which your committee recommend do pass.

All of which is respectfully submitted.

PATTON, Chairman.

Bills read first time.

Senator Patton offered a joint resolution, appropriating one hundred dollars to furnish the Governor's office.

Referred to the Committee on Finance.

Senator Cooper moved to suspend regular order of business and take up House bill No. 22, entitled "An act to authorize and require the county commissioners' court of the several counties in the State to provide for the payment of all claims due teachers of public free schools, audited as valid claims, under acts of the Legislature of Texas, approved August 7, 1876, or April 22, 1879," and postpone its consideration until to-morrow after morning call.

Adopted, and bill taken up and so postponed.

Senator Martin, chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 7, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 126, being "An act amendatory of title 83, and of the supplement thereto, of the Revised Civil Statutes," and find the same correctly engrossed.

MARTIN, Chairman.

Senate bill No. 66, "An act confirming patents and surveys by virtue of headright and bounty warrants, issued under special laws enacted after March 31, 1870, and prior to April 17, 1876," was called up, on motion of Senator Davis.

Read third time, and passed by the following vote:

## YEAS—29.

Buchanan,  
Chesley,  
Collins,  
Cooper,  
Davis,  
Evans,  
Farrar,  
Fleming,  
Fowler,  
Getzendaner,

Gooch,  
Harris,  
Houston,  
Johnson of Collin,  
Johnston of Shelby,  
Jones,  
King,  
Kleberg,  
Martin,  
Matlock,

Patton,  
Peacock,  
Perry,  
Pfeuffer,  
Pope,  
Shannon,  
Stratton,  
Terrell,  
Traylor.

## NAYS—2.

Gibbs,

Randolph.

The President appointed Senator Buchanan a committee on the part of the Senate to visit the State schools, in conjunction with committee on the part of the House.

Substitute Senate bill No. 108, "An act to amend title 11, chapter 3, of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February 21, 1879," was taken up in regular order, read third time and passed.

On motion of Senator Buchanan, regular order of business was suspended to take up Senate bill No. 189, entitled "An act to provide for the endowment, in land or its proceeds, of the University of Texas and its branches, including the branch for the instruction of colored youths."

Bill read second time, and substitute of committee adopted.

Senator Davis offered the following amendment:

Amend first section by adding "nothing herein shall in any manner affect the half interest in said lands which belongs, under the Constitution, to the public school fund."

Adopted.

Senator Houston offered the following amendment:

Add to line 12 of printed bill the following:

"Provided, that should the rest of said lands exceed one million acres, then such surplus shall not be considered as diverted from the purpose for which it was appropriated under act of July 14, 1879, and amended March 11, 1881."

Adopted.

Senator Patton offered the following amendment:

In line 6, of section 1, of the printed bill, insert between "1881" and "the" "and the three hundred and twenty-five leagues of land to the common free schools, for the three hundred and twenty-five leagues set apart for the unorganized counties."

Adopted, and bill ordered engrossed.

On motion of Senator Houston, the rules were suspended to put the bill on its third reading, by the following vote:

## YEAS—27.

Buchanan,  
Chesley,  
Collins,  
Cooper,  
Davis,  
Farrar,  
Fleming,  
Gibbs,  
Gooch,

Harris,  
Houston,  
Johnston of Shelby,  
Jones,  
King,  
Kleberg,  
Martin,  
Matlock,  
Patton,

Peacock,  
Perry,  
Pfeuffer,  
Pope,  
Randolph,  
Shannon,  
Stratton,  
Terrell,  
Traylor.

## NAYS—3.

Evans,

Getzendaner,

Johnson of Collin.

Bill read third time, and passed by the following vote:

## YEAS—27.

Buchanan,  
Chesley,  
Collins,  
Cooper,  
Evans,  
Farrar,  
Fleming,  
Fowler,  
Gibbs,

Gooch,  
Harris,  
Houston,  
Johnston of Shelby,  
Jones,  
King,  
Kleberg,  
Martin,  
Matlock,

Patton,  
Peacock,  
Perry,  
Pfeuffer,  
Pope,  
Shannon,  
Stratton,  
Terrell,  
Traylor.

## NAYS—3.

Getzendaner,

Johnson of Collin,

Randolph.

A message was received from the House announcing the passage by that body of substitute House bills Nos. 95 and 190, "An act to provide for the purchase of a site for, and the establishment, location and construction of a branch asylum, in North Texas, for the care and treatment of the insane, and to make an appropriation therefor."

Senator Pfeuffer, chairman of Committee on Finance, by unanimous consent, submitted the following report:

COMMITTEE ROOM,

AUSTIN, February 7, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred Senate joint resolution, "Appropriating \$100 for furnishing the office of the Governor of Texas," have had the same under consideration, and your committee instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

PFEUFFER, Chairman.

Resolution read first time.

On motion of Senator Houston, rules were suspended to take up the resolution just read and put it on its second reading, by the following vote:

## YEAS—29.

Buchanan,  
Chesley,  
Collins,  
Cooper,  
Evans,  
Fleming,  
Fowler,  
Getzendaner,  
Gibbs,  
Gooch,

Harris,  
Houston,  
Johnson of Collin,  
Johnston of Shelby,  
Jones,  
King,  
Kleberg,  
Martin,  
Matlock,  
Patton,

Peacock,  
Perry,  
Pfeuffer,  
Pope,  
Randolph,  
Shannon,  
Stratton,  
Terrell,  
Traylor.

## NAYS—none.

Resolution read second time, and ordered engrossed.

On motion of Senator Houston, the rules were suspended to put the resolution on its third reading, by the following vote:

## YEAS—26.

Buchanan,  
Chesley,  
Collins,  
Cooper,  
Davis,  
Evans,  
Fleming,  
Fowler,  
Getzendaner,

Gibbs,  
Gooch,  
Houston,  
Johnson of Collin,  
Johnston of Shelby,  
Jones,  
King,  
Kleberg,  
Martin,

Matlock,  
Patton,  
Peacock,  
Perry,  
Randolph,  
Shannon,  
Terrell,  
Traylor.

## NAYS—none.

Bill read third time, and passed by the following vote:

## YEAS—27.

Buchanan,  
Chesley,  
Collins,  
Cooper,  
Davis,  
Evans,  
Fleming,  
Fowler,  
Getzendaner,

Gibbs,  
Gooch,  
Houston,  
Johnson of Collin,  
Johnston of Shelby,  
Jones,  
King,  
Kleberg,  
Martin,

Matlock,  
Patton,  
Peacock,  
Perry,  
Randolph,  
Shannon,  
Terrell,  
Traylor.

## NAYS—none.

On motion of Senator Kleberg, the regular order of business was suspended to take up Senate bill No. 32, "An act to provide annual pensions for the surviving soldiers and sailors of the Texas revolution, and the surviving signers of the Declaration of Texas Independence, and the surviving widows of such soldiers, sailors and signers."

Bill taken up, read second time, and committee amendments adopted.

Senator Jones offered the following amendment:

Amend by adding after "1836," in line 7, section 1, as follows: "And to all the survivors of the Mier expedition."

Lost by the following vote:

YEAS—5.

Collins,	Jones,	Stratton.
Fowler,	Perry,	

NAYS—24.

Buchanan,	Gibbs,	Patton.
Chesley,	Gooch,	Peacock,
Cooper,	Harris,	Pfeuffer,
Davis,	Johnson of Collin,	Pope,
Evans,	King,	Randolph.
Farrar,	Kleberg,	Shannon,
Fleming,	Martin,	Terrell,
Getzendaner,	Matlock,	Traylor.

Senator Davis offered the following amendment:

Strike out the proviso which limits the benefits of this act to residents of this State and confer the benefits of this act upon all, without regard to their place of residence.

Lost by the following vote:

YEAS—3.

Davis,	Pope,	Stratton.
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NAYS—27.

Buchanan,	Gibbs,	Matlock,
Chesley,	Gooch,	Patton,
Collins,	Harris,	Peacock,
Cooper,	Houston,	Perry,
Evans,	Johnson of Collin,	Pfeuffer,
Farrar,	Jones,	Randolph,
Fleming,	King,	Shannon,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Martin,	Traylor.

Senator Gooch offered the following amendment:

Strike out the words "who reside in the same county with the applicant," in section 2, page 2, lines 12 and 13, and insert "unless the applicant shall have received a land donation under the acts of 1879 and 1881."

Adopted.

Senator Houston offered the following amendment:

Insert after the word "emergency," in section 8, the following: "And an imperative public necessity for the suspension of the rule requiring this bill to be read on three several days, and."

Amendment adopted, and bill ordered engrossed.

On motion of Senator Kleberg, the rules were suspended, and the bill placed on its third reading, by the following vote:

YEAS—26.

Buchanan,	Gibbs,	Patton,
Chesley,	Gooch,	Perry,
Collins,	Houston,	Pfeuffer,
Cooper,	Johnson of Collin,	Pope,
Evans,	Johnson of Shelby,	Randolph,
Farrar,	Jones,	Shannon,
Fleming,	King,	Stratton,
Fowler,	Kleberg,	Traylor.
Getzendaner,	Martin,	

NAYS—3.

Davis,	Harris,	Peacock.
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Bill read third time, and passed by the following vote:

YEAS—27.

Buchanan,	Gibbs,	Patton,
Chesley,	Gooch,	Peacock,
Collins,	Houston,	Perry,
Cooper,	Johnson of Collin,	Pfeuffer,
Evans,	Jones,	Pope,
Farrar,	King,	Randolph,
Fleming,	Kleberg,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Traylor.

NAYS—2.

Davis, Harris.

Senator Jones, by unanimous consent, introduced a bill entitled "An act to repeal article 756, chapter 12, of the Penal Code of the State of Texas."

Referred to Judiciary Committee No. 2.

Senator Terrell moved to suspend rules and take up House bill No. 190, "An act making a special appropriation for the support of the Supreme Court at Galveston."

Adopted, and bill taken up and made the special order for to-morrow after the morning call, and from day to day until disposed of.

On motion of Senator Martin, 100 copies of substitute House bills Nos. 95 and 190, relating to establishment of an asylum in North Texas, were ordered printed for the use of the Senate.

On motion of Senator Davis, rules were suspended and Senate bill No. 94, "An act requiring the printing and publication of 5000 copies of the general laws of the Sixteenth and Seventeenth Legislatures, and the general laws of the called session of the Sixteenth Legislature," was taken up, and House amendments concurred in.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM.  
AUSTIN, February 7, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 193, being "An act to provide for the improvement and repair of the Lunatic Asylum, the enlargement of the asylum grounds, and to make an appropriation therefor," and find the same correctly engrossed.

All of which is respectfully submitted.

MARTIN, Chairman.

The President gave notice of signing substitute House bill No. 8, "An act to restore the jurisdiction of the county courts of the counties of Parker, Uvalde, Red River and Starr, and to restore criminal jurisdiction to the county court of Henderson county, and to repeal all laws in conflict therewith."

A message was received from the House, announcing the passage of substitute House joint resolution No. 5, granting leave of absence to certain district and county judges of the State of Texas.

Senate bill 140, "An act to amend article 1135, chapter 1, title 28, of the Revised Civil Statutes."

Also, that the House concurs in Senate amendment to House concurrent resolution No. 1.

On motion of Senator Fleming, regular order of business was suspended, and Senate bill No. 127, "An act to reserve and set apart 325 leagues of land, heretofore surveyed for the benefit of the unorganized counties of this State, and such organized counties as may have located their four leagues of school lands, or any part thereof in conflict with valid prior locations and surveys, or which may, from any cause, fail to get title to the four leagues of land they are entitled to receive under the law," was taken up, read second time and ordered engrossed.

On motion of Senator Fleming, regular order of business was further suspended, and Senate bill No. 135, "An act to create the land districts of Howard and Mitchell," was taken up and read second time, and committee amendments adopted.

Senator Fleming offered to amend by striking out "Fisher county" from the list of counties named in the bill.

Adopted, and bill ordered engrossed.

On motion of Senator Chesley, Senate adjourned till to-morrow morning at 10 o'clock.